

AMENDED IN SENATE JUNE 25, 2012
AMENDED IN ASSEMBLY APRIL 18, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1865

Introduced by Assembly Member Alejo

February 22, 2012

An act to amend Section 1161.2 of the Code of Civil Procedure, relating to eviction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as amended, Alejo. Residential tenancies: eviction: notices.

Existing law governs unlawful detainer proceedings. Existing law requires the clerk to mail a specified notice upon the filing of an unlawful detainer action to each defendant named in the action and requires the notice to contain the name and telephone number of the county bar association as well as other legal services organizations that provide services to low-income persons.

This bill would require that the notice described above contain, in addition to the *information on the county bar association*, the name and telephone number of any ~~one or more nonprofit bar associations, as specified, that provide legal services to persons in the court where the action is filed and~~ *entity that requests inclusion on the notice and demonstrates to the satisfaction of the court that* ~~are~~ *it is* duly authorized by the State Bar as a lawyer referral service *and maintains a panel of attorneys qualified in the practice of landlord-tenant law, as specified.* *The bill would also require the notice to contain a specified statement*

that includes the telephone number and Internet Web site address of the State Bar.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1161.2 of the Code of Civil Procedure
2 is amended to read:
3 1161.2. (a) The clerk may allow access to limited civil case
4 records filed under this chapter, including the court file, index,
5 and register of actions, only as follows:
6 (1) To a party to the action, including a party's attorney.
7 (2) To any person who provides the clerk with the names of at
8 least one plaintiff and one defendant and the address of the
9 premises, including the apartment or unit number, if any.
10 (3) To a resident of the premises who provides the clerk with
11 the name of one of the parties or the case number and shows proof
12 of residency.
13 (4) To any person by order of the court, which may be granted
14 ex parte, on a showing of good cause.
15 (5) Except as provided in paragraph (6), to any other person 60
16 days after the complaint has been filed, unless a defendant prevails
17 in the action within 60 days of the filing of the complaint, in which
18 case the clerk may not allow access to any court records in the
19 action, except as provided in paragraphs (1) to (4), inclusive.
20 (6) In the case of a complaint involving residential property
21 based on Section 1161a as indicated in the caption of the complaint,
22 as required in subdivision (c) of Section 1166, to any other person,
23 if 60 days have elapsed since the complaint was filed with the
24 court, and, as of that date, judgment against all defendants has
25 been entered for the plaintiff, after a trial. If judgment is not entered
26 under the conditions described in this paragraph, the clerk shall
27 not allow access to any court records in the action, except as
28 provided in paragraphs (1) to (4), inclusive.
29 (b) For purposes of this section, "good cause" includes, but is
30 not limited to, the gathering of newsworthy facts by a person
31 described in Section 1070 of the Evidence Code. It is the intent of
32 the Legislature that a simple procedure be established to request
33 the ex parte order described in subdivision (a).

(c) Upon the filing of any case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that he or she lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause therefor. The notice shall contain on its face the ~~name~~ following information:

(1) ~~The name and telephone number of the county bar association and, if available, one or more nonprofit bar associations, as determined by the court, that provide legal services to persons in the court where the action is filed and that are duly authorized by the State Bar as a lawyer referral service. The notice shall also contain on its face the.~~

(2) *The name and telephone number of any entity that requests inclusion on the notice and demonstrates to the satisfaction of the court that it has been certified by the State Bar as a lawyer referral service and maintains a panel of attorneys qualified in the practice of landlord-tenant law pursuant to the minimum standards for a lawyer referral service established by the State Bar and Section 6155 of the Business and Professions Code.*

(3) *The following statement:*

“The State Bar of California certifies lawyer referral services in California and publishes a list of certified lawyer referral services organized by county. To locate a lawyer referral service in your county, go to the State Bar’s website at www.calbar.ca.gov or call 1-866-442-2529.”

1 (4) *The* name and telephone number of an office or offices
2 funded by the federal Legal Services Corporation or qualified legal
3 services projects that receive funds distributed pursuant to Section
4 6216 of the Business and Professions Code that provide legal
5 services to low-income persons in the county in which the action
6 is filed. The notice shall state that these numbers may be called
7 for legal advice regarding the case. The notice shall be issued
8 between 24 and 48 hours of the filing of the complaint, excluding
9 weekends and holidays. One copy of the notice shall be addressed
10 to “all occupants” and mailed separately to the subject premises.
11 The notice shall not constitute service of the summons and
12 complaint.

13 (d) Notwithstanding any other provision of law, the court shall
14 charge an additional fee of fifteen dollars (\$15) for filing a first
15 appearance by the plaintiff. This fee shall be added to the uniform
16 filing fee for actions filed under this chapter.

17 (e) This section does not apply to a case that seeks to terminate
18 a mobilehome park tenancy if the statement of the character of the
19 proceeding in the caption of the complaint clearly indicates that
20 the complaint seeks termination of a mobilehome park tenancy.